

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

SHARON MELISSA VIA,

Plaintiff,

-vs-

**ALLSTATE INDEMNITY
COMPANY, ET AL.,**

Defendants.

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CIVIL ACTION NO. 2:06-CV-00531-ID-CSC

**PLAINTIFF'S MOTION FOR A
TEMPORARY RESTRAINING ORDER**

COMES NOW the Plaintiff in the above styled cause and moves this Honorable Court to issue a temporary restraining order to Branch Banking and Trust Company f/k/a Main Branch f/k/a Community First Bank. In support of this motion, the Plaintiff shows unto the court as follows:

1. The currently pending action relates to a bad faith case against Allstate Indemnity Company and its agents and independent adjusters.
2. The Plaintiff's home became infested with mold after a storm damaged it. Allstate failed to pay the Plaintiff sufficient amounts to get her home repaired and Ms. Oertel and Mr. Oletski failed to properly adjust the claim.
3. The mold in the Plaintiff's home was making her sick, as well as her minor daughter. Because of the mold infestation in her home, the Plaintiff had to move out and find other accommodations.
4. After the Plaintiff vacated her home and because she had to pay for alternate living accommodations, she was no longer able to pay her mortgage payments. She notified Branch Banking and Trust Company f/k/a Main Branch f/k/a Community First Bank of

the problems with the house. Nonetheless, Branch Banking began foreclosure proceedings. Branch has scheduled a foreclosure sale for August 28, 2006.

5. If Branch is allowed to go forward with the foreclosure on the Plaintiff's home, vital evidence relevant to this case will be lost forever. This spoliation of evidence will be beyond the Plaintiff's control and could adversely affect these proceedings.

WHEREFORE, premises considered, the Plaintiff requests that this Court issue a temporary restraining order restraining Branch from foreclosing on the Plaintiff's home. In the alternative, the Plaintiff requests that the Court restrain Branch from making any material changes to her home until such time as the parties have adequate time to inspect the home and have their experts inspect the home so that any evidence necessary to this case can be properly preserved.

/s/Christina D. Crow

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the following by efileing a copy of the same on this 23rd day of August, 2006:

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